

STAFF REPORT

February 5, 2004

**No. 03UR016 - Conditional Use Permit to allow a television station
and transmission towers**

ITEM 24

GENERAL INFORMATION:

PETITIONER	Lindsay Bold for KEVN, Inc.
REQUEST	No. 03UR016 - Conditional Use Permit to allow a television station and transmission towers
EXISTING LEGAL DESCRIPTION	Tract B (part of the NW1/4 NW1/4 west of Skyline Drive), Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.83 acres
LOCATION	2000 Skyline Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Park Forest District
South:	Park Forest District
East:	Park Forest District
West:	Medium Density Residential District
PUBLIC UTILITIES	Private
DATE OF APPLICATION	10/24/2003
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that if a variance to the minimum off street parking requirements is granted by the Zoning Board of Adjustments, the Conditional Use Permit to allow a television station and transmission towers be approved with the following stipulations:

Building Inspection Division Recommendations:

1. A Building Permit shall be obtained prior to any construction;

Fire Department Recommendations:

2. Prior to any welding or torch work to install the dishes the Fire Department shall be notified;

Urban Planning Department Recommendations:

3. Prior to Planning Commission approval the parking plan shall be revised showing compliance with Section 17.50.270 of the Rapid City Municipal Code, or obtain a variance to the minimum off street parking requirements; and,

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4. The use of the property shall allow a television station, transmission towers, and satellite dishes. Any expansion of the uses in excess of 20 percent shall require a major amendment to the Conditional Use Permit.

GENERAL COMMENTS:

(Updates to the staff report are shown in bold.) This item was continued from the January 22, 2004 Planning Commission meeting to allow time for the Zoning Board of Adjustment to hear the applicants variance request.

The applicant is applying for a Conditional Use Permit to allow a television station, transmission tower, and satellite dishes in the General Agricultural Zoning District. There is currently a television station, a transmission tower, and numerous satellite dishes located on the property. The applicant is proposing to add two satellite dishes on two concrete pads to the site. The subject property was annexed into the City of Rapid City in 1978. The television station is a nonconforming use. Although several Building Permits have been issued in the past, a Conditional Use Permit was never obtained. A Conditional Use Permit is required for television stations and transmission towers in the General Agricultural Zoning District.

STAFF REVIEW:

Staff has reviewed this request for a Conditional Use Permit as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Fire Department:

The Fire Department noted that if any welding or torch work is required to install the dishes the Fire Department shall be notified before installation.

Building Inspection:

The Building Inspection Division Staff has noted that the existing "wall sign" is the original sign that was on the building when it was annexed into the City in 1978. The existing "wall sign" may be maintained as a nonconforming sign. A Sign Permit must be obtained for any additional signs. The Building Inspection Division Staff noted the "wall sign" located on the building is larger than that allowed by the Sign Code. A Sign Permit must be obtained prior to issuance of a Building Permit.

Urban Planning:

A portion of the existing structure was build prior to it's annexation in 1978. A 3,457 square foot addition was constructed in 1984. Information provided by the applicant indicated that staff review at that time required that a Conditional Use Permit be obtained; however, no Conditional Use Permit was requested or issued. As such the existing use is an illegal use. Approval of a Conditional Use Permit will address that issue; however, off street parking for the entire use must be provided in accordance with the Zoning Ordinance.

Staff has reviewed the minimum off street parking requirements and determined that 52 off street parking spaces are required for the existing and proposed uses. The additional

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information provided regarding the parking lot indicates 43 off street parking spaces are currently located on site. However, only 21 of those stalls meet the required dimensions set forth by Section 17.50.270 of the Rapid City Municipal Code. Three of the stalls meet the required length of 18 feet but are only eight feet wide, and could easily be re-striped to meet the minimum width of nine feet. On December 8, 2003 the applicant submitted a revised site plan with a variance request, showing these stalls in compliance with Section 17.50.270 of the Rapid City Municipal Code.

The site plan indicated that an additional 20 off street parking spaces are located on the south west portion of the site. However, the access to these off street parking spaces is only 13 feet wide. As such these spaces do not meet the minimum requirements of the Zoning Ordinance. Staff recommends that a revised site plan complying with the requirements of the Zoning Ordinance be provided prior to Planning Commission approval or the applicant shall obtain a variance to the off street parking requirements. On December 8, 2003 the applicant submitted an application seeking a variance to reduce the required off street parking requirements from 52 stalls to 41 stalls. As part of that same application, the applicant is also seeking to reduce the required minimum access width to the southwest parking lot from 20 feet to 13 feet. The hearing date for this variance request is January 20, 2004. **The request was continued to the February 3, 2004 Zoning Board of Adjustment meeting to allow the Fire Department to submit additional comments regarding the access width to the southwest parking area.**

The Rapid City Municipal Code Section 17.50.270 requires that two handicapped accessible stalls be provided, with one being van accessible. Currently only one handicapped accessible stall is provided which is not van accessible. On December 8, 2003 a revised site plan was submitted along with the variance request showing two handicapped accessible stalls provided with one being van accessible.

The site plan that was submitted at the time of the application does not show the complete area of the property. The Planning Staff is requesting that the applicant provide a revised site plan showing the entire site. Also the site plan provided is scaled at 41.5 feet = 1 foot, and needs to be resubmitted with an engineer or architectural scale. The Planning Staff is requesting that the applicant provide a detailed floor plan of the existing structure to determine the number of parking spaces required. The Planning Staff is also requesting that the applicant provide a detailed parking plan to determine if any additional parking is required and to ensure compliance with the minimum off street parking requirements of Ordinance 17.50.270.

Staff is recommending that this item be approved with the above stated stipulations.